

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

In re:

XINERGY LTD., et al.,

Debtors.¹

Chapter 11

Case No. 15-[] ()

(Joint Administration Requested)

**PROPOSED FIRST DAY AGENDA FOR HEARING
ON APRIL 7, 2015, AT 2:00 P.M. (PREVAILING EASTERN TIME)**

I. INTRODUCTION

In support of the following relief requested at the first day hearing, the Debtors refer the Court to the Declaration of Michael R. Castle in Support of the Debtors' Chapter 11 Petitions and First Day Pleadings [ECF No. 18]

II. ADMINISTRATIVE MOTIONS

1. **"Motion to Expedite"** – *Motion of the Debtors and Debtors in Possession for Entry of an Order Setting an Expedited Hearing on "First Day Motions" and Related Relief* [ECF No. 19]
2. **"Joint Administration"** – *Motion of Debtors and Debtors in Possession for an Order Directing Joint Administration of their Related Chapter 11 Cases* [ECF No. 2]
3. **"Notice of Commencement"** – *Motion of Debtors and Debtors in Possession for Entry of an Order Approving the Form and Manner of Notice of Commencement of the Cases* [ECF No. 3]
4. **"ALCS Retention"** – *Motion of Debtors and Debtors in Possession for Entry of an Order Appointing American Legal Claims Services, LLC as Claims, Noticing and Balloting Agent* [ECF No. 4]
5. **"Creditor List Motion"** – *Motion of the Debtors and Debtors in Possession For Entry of an order Authorizing Debtors to (i) Prepare a List of Creditors in Lieu of Submitting a Formatted Mailing Matrix and*

¹ The Debtors, along with the last four digits of each Debtor's federal tax identification number, are listed on Schedule 1 attached hereto.

(ii) File a Consolidated List of Debtors' 30 Largest Unsecured Creditors [ECF No. 6]

6. **"Extend Schedules Deadline"** – *Motion for Entry of an Order (i) Extending the Time to File Schedules and Statements of Financial Affairs and (ii) Extending the Time to Schedule the Meeting of Creditors* [ECF No. 5]
7. **"Case Management"** – *Motion of the Debtors and Debtors in Possession for Entry of an Order Establishing Notice, Case Management and Administrative Procedures* [ECF No. 7]

III. OPERATIONAL MOTIONS

8. **"Cash Management"** – *Motion of the Debtors and Debtors in Possession for Entry of an Order (i) Authorizing Debtors to Maintain Existing Bank Accounts and Business Forms and Continue to Use Existing Cash Management System; (ii) Granting Administrative Expense Status for Intercompany Claims; and (iii) Waiving the Requirements of Section 345(b) of the Bankruptcy Code* [ECF No. 8]
9. **"Wages and Benefits"** – *Motion of Debtors and Debtors in Possession for Entry of an Order (i) Authorizing Debtors To Pay Prepetition Wages, Salaries and Benefits; (ii) Authorizing Debtors to Maintain Employee Benefit Programs in the Ordinary Course of Business; (iii) Authorizing Current and Former Employees to Proceed With Workers' Compensation Claims and (iv) Directing Applicable Financial Institutions to Honor and Process Related Checks and Transfers* [ECF No. 9]
10. **"Utilities"** – *Debtors' Motion for Entry of an Order (i) Prohibiting Utilities from Altering, Refusing or Discontinuing Service, (ii) Deeming Utility Companies Adequately Assured of Future Performance and (iii) Establishing Procedures for Determining Requests for Additional Adequate Assurance* [ECF No. 10]
11. **"Critical Vendors"** – *Motion of Debtors and Debtors in Possession for Entry of Interim and Final Orders Authorizing (i) Payment of Certain Prepetition Claims of Critical Vendors, (ii) Payment of 503(b)(9) Claims to Certain Critical Vendors and (iii) Financial Institutions to Honor and Process Related Checks And Transfers* [ECF No. 11]
12. **"Insurance"** – *Debtors' Motion for Entry of an Order Authorizing (i) Debtors to Continue and Renew Their Liability, Property, Casualty and Other Insurance Programs and Honor All Obligations in Respect Thereof and (ii) Financial Institutions to Honor and Process Related Checks and Transfers* [ECF No. 12]

13. **“Surety Bond Program”** – *Motion of Debtors and Debtors in Possession for Entry of Interim and Final Orders Authorizing (i) Debtors to Continue and Renew Surety Bond Program and (ii) Financial Institutions to Honor and Process Related Checks And Transfers* [ECF No. 13]
14. **“Taxes”** – *Motion of Debtors and Debtors in Possession for Entry of an Order Authorizing (i) Debtors to Pay Certain Prepetition Taxes, Governmental Assessments and Fees and (ii) Financial Institutions to Honor and Process Related Checks And Transfers* [ECF No. 14]
15. **“NOLs”** – *Debtors’ Motion for Entry of Interim and Final Orders Establishing Notification Procedures and Approving Restrictions on Certain Transfers of Equity Interests in the Debtors’ Estates* [ECF No. 15]
16. **“Foreign Representative Motion”** – *Motion of the Debtors and Debtors in Possession For Entry of an Order Authorizing Xinergy Ltd. to Act as Foreign Representative Pursuant to 11 U.S.C. § 1505* [ECF No. 16]

IV. FINANCING MOTION

17. **“Postpetition Financing”** – *Motion of Debtors and Debtors in Possession, Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1) and 364(e) for Entry of Interim and Final Orders (i) Authorizing Debtors (A) To Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (ii) Granting Adequate Protection to Prepetition Secured Lenders and (iii) Scheduling Final Hearing* [ECF No. ____]

DATED: April 6, 2015

/s/ Henry P. (Toby) Long, III

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*Proposed Counsel to the Debtors
and Debtors in Possession*

SCHEDULE 1
(Debtor Entities)

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|---|---|
| 1. Xinerger Ltd. (3697) | 14. Whitewater Contracting, LLC (7740) |
| 2. Xinerger Corp. (3865) | 15. Whitewater Resources, LLC (9929) |
| 3. Xinerger Finance (US), Inc. (5692) | 16. Shenandoah Energy, LLC (6770) |
| 4. Pinnacle Insurance Group LLC (6851) | 17. High MAF, LLC (5418) |
| 5. Xinerger of West Virginia, Inc. (2401) | 18. Wise Loading Services, LLC (7154) |
| 6. Xinerger Straight Creek, Inc. (0071) | 19. Strata Fuels, LLC (1559) |
| 7. Xinerger Sales, Inc. (8180) | 20. True Energy, LLC (2894) |
| 8. Xinerger Land, Inc. (8121) | 21. Raven Crest Mining, LLC (0122) |
| 9. Middle Fork Mining, Inc. (1593) | 22. Brier Creek Coal Company, LLC (9999) |
| 10. Big Run Mining, Inc. (1585) | 23. Bull Creek Processing Company, LLC (0894) |
| 11. Xinerger of Virginia, Inc. (8046) | 24. Raven Crest Minerals, LLC (7746) |
| 12. South Fork Coal Company, LLC (3113) | 25. Raven Crest Leasing, LLC (7844) |
| 13. Sewell Mountain Coal Co., LLC (9737) | 26. Raven Crest Contracting, LLC (7796) |